

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

CHRISTOPHER BROWN,
SEKOU KABA, and
MELVIN SMALLS,

Defendants.

23 MAG 6885

SEALED COMPLAINT

Violations of
18 U.S.C. §§ 1951, 924(c)(A)(1)(i), (ii)
18 U.S.C. § 2

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

ALEXIS MELO, being duly sworn, deposes and says that he is a Police Officer with the New York City Police Department (“NYPD”) and charges as follows:

COUNT ONE
(Conspiracy to Commit Hobbs Act Robbery)

1. On or about October 14, 2023, in the Southern District of New York and elsewhere, CHRISTOPHER BROWN, SEKOU KABA, and MELVIN SMALLS, the defendants, and others known and unknown, knowingly combined, conspired, confederated, and agreed together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, BROWN, KABA, and SMALLS conspired with others to rob a convenience store in the Bronx, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO
(Hobbs Act Robbery)

2. On or about October 14, 2023, in the Southern District of New York and elsewhere, CHRISTOPHER BROWN and SEKOU KABA, the defendants, knowingly committed robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and aided and abetted the same, to wit, BROWN and KABA robbed at gunpoint a convenience store in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE
(Firearms Use, Carrying, and Possession)

3. On or about October 14, 2023, in the Southern District of New York and elsewhere, CHRISTOPHER BROWN and SEKOU KABA, the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Two of this Complaint, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, which was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii) and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Police Officer with the NYPD. I am currently assigned as an Investigator with the Gun Violence Suppression Division. I have been personally involved in this investigation. This affidavit is based on my investigation, my conversations with other law enforcement officers and other individuals, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, including my review of surveillance video, my conversations with law enforcement officers and others, and my review of reports of witness interviews, law enforcement reports, and records, I have learned that a group of approximately four men, including CHRISTOPHER BROWN, SEKOU KABA, and MELVIN SMALLS, the defendants, participated in a gunpoint robbery of a convenience store located in the vicinity of East 233rd Street and Bronx River Parkway in the Bronx, New York. Specifically, I have learned, among other things, the following:

a. At approximately 9:58 p.m. on or about October 14, 2023, police officers from the 47th NYPD Precinct responded to an emergency call about a robbery at a convenience store (the "Store") in the vicinity of East 233rd Street and Bronx River Parkway.

b. According to a Store employee (the "Victim") who was behind the counter at the time, approximately three individuals wearing ski masks entered the Store and approached the counter. As the individuals got closer to the counter, one of the individuals ("CC-1") raised a firearm and pointed it at the Victim. The three individuals then proceeded to steal items from the Store's shelves both in front of and behind the counter. As described more fully below, law enforcement officers have identified the two individuals who were with CC-1 inside the Store as CHRISTOPHER BROWN and SEKOU KABA, the defendants.

c. During the incident, the individuals took United States currency from inside of the Store's cash register. The individuals also went to the back of the Store and retrieved additional cash. According to the Victim, one of the individuals also struck the Victim in the rib with a gun.

d. At no point did any of CC-1, BROWN, or KABA pay for the items they took from the Store.

e. During the course of the robbery, CC-1, BROWN, and KABA removed approximately \$9,000 worth of merchandise and currency from the Store.

f. After the robbery, CC-1, BROWN, and KABA fled the Store. As the three men left the Store, the Victim alerted an individual who was standing near the exit (“Individual-1”) of the robbery and told Individual-1, in sum and substance, that CC-1, BROWN, and KABA had just robbed the Store.

g. Individual-1 followed CC-1, BROWN, and KABA to a particular vehicle (the “Vehicle”) that all three males entered. Individual-1 then entered Individual-1’s vehicle and drove behind and followed the Vehicle.

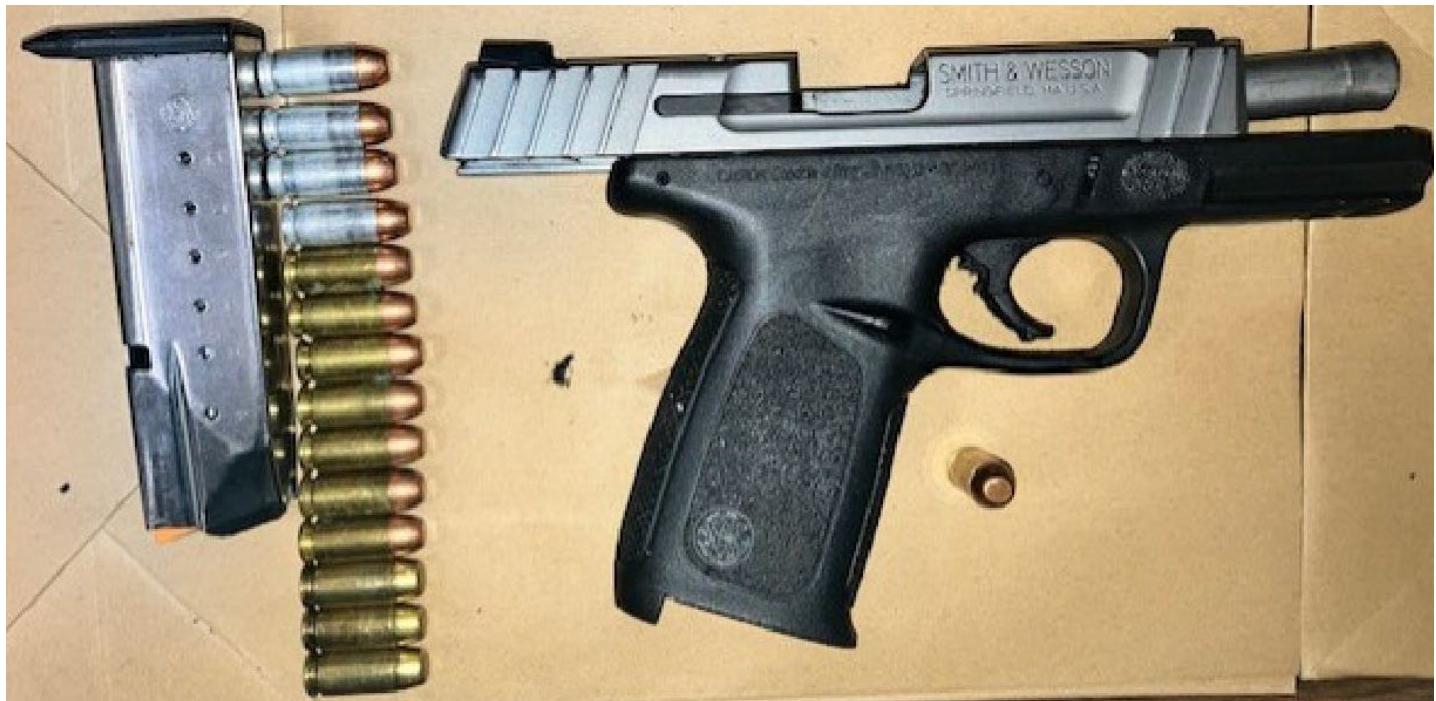
h. While following the Vehicle, Individual-1 called 911 and reported the robbery to law enforcement. Individual-1 also indicated that Individual-1 was driving behind the Vehicle and provided law enforcement with information about the Vehicle’s location.

i. Based on the information provided by Individual-1, law enforcement officers located the Vehicle and apprehended the four individuals seated inside: CC-1, BROWN, KABA, and the Vehicle’s driver, who was identified as MELVIN SMALLS, the defendant.

j. In addition to arresting the individuals inside the car, law enforcement officers also observed one firearm, a .40 caliber Smith and Wesson bearing a particular serial number with fifteen rounds inside of a magazine inside of CC-1’s sweatshirt. A second firearm, a 9mm firearm bearing no serial number, was found on the floor of the Vehicle. I know based on my training and experience that a firearm without a serial number may be what is commonly referred to as a privately manufactured gun or a “ghost gun.” I know through my training and

experience that individuals who illegally possess firearms often prefer ghost guns (or firearms obliterated or removed serial numbers) because they are difficult for law enforcement to trace.

k. Photographs of the firearms and ammunition recovered from the Vehicle are below:



1. Law enforcement officers also found merchandise consistent with the merchandise taken from the Store inside of the Vehicle, including suspected marijuana and wrapping paper often used for marijuana and tobacco products. Ski masks were also recovered from inside of the Vehicle. Photographs of some of the merchandise recovered from the Vehicle are below:



m. While CC-1, BROWN, KABA, and SMALLS were being processed at the 47th Precinct, an individual (“Individual-2”) entered the Precinct and identified himself as BROWN’s father. Individual-2 stated that SMALLS was Individual-2’s brother. In addition, SMALLS was found to be in possession of approximately \$620 in cash.

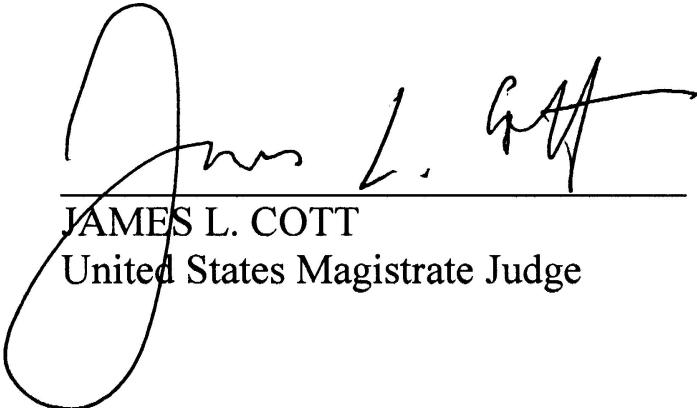
n. Based on a comparison of the clothing CC-1, BROWN, and KABA were wearing when they were arrested and the clothing the individuals who robbed the Store were wearing, law enforcement officers believe that CC-1, BROWN, and KABA were the three individuals who robbed the Store, and that SMALLS was the getaway driver of the Vehicle that CC-1, BROWN, and KABA used to flee after they robbed the Store.

WHEREFORE, I respectfully request that warrants be issued for the arrests of CHRISTOPHER BROWN, SEKOU KABA, and MELVIN SMALLS, the defendants, and that they be imprisoned or bailed, as the case may be.

/s/ Alexis Melo, by the Court, with permission

ALEXIS MELO
Police Officer, NYPD

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 19th day of October, 2023.



JAMES L. COTT
United States Magistrate Judge